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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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WILLIAM GUY,
Plaintiff,

v.

DR. SUII, et al.,
Defendants.

Case No. 23-cv-03202 BLF (PR)

**ORDER GRANTING IN PART
MOTION FOR EXTENSION OF
TIME TO FILE OPPOSITION**

(Docket No. 31)

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Plaintiff, a state inmate, filed a civil rights complaint under 42 U.S.C. § 1983 against Dr. Suii, his primary care provider at Salinas Valley State Prison (“SVSP”), S. Sawyer (Chief Support Executive at SVSP), and S. Gates (Chief of Health Care Correspondence and Appeals Branch of the California Correctional Health Care Service). Dkt. No. 1. The Court found the complaint stated cognizable claims and ordered service on Defendants on October 31, 2023. Dkt. No. 8. On October 30, 2024, the Court denied Defendants’ motion for terminating sanctions for Plaintiff’s failure to appear at his deposition, with leave to renewing if Plaintiff again failed to appear for a second properly noticed deposition. Dkt. No. 19.

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On April 2, 2025, Defendants filed a second motion for terminating sanctions after Plaintiff again failed to appear. Dkt. No. 29. The Court granted Defendants’ motion to

1 modify the dispositive motion deadline pending the resolution of that motion. Dkt. No. 30.
2 The Court also granted Plaintiff's motion for a 3-day extension of time to the usual
3 opposition deadline, such that his opposition to Defendants' motion for terminating
4 sanctions is due by May 7, 2025. *Id.*

5 On April 25, 2025, Plaintiff filed a motion opposing the vacating of the dispositive
6 motion deadline and requesting a 60-day extension of time to file his opposition. Dkt. No.
7 31. He asserts that being a non-ECF user inherently involves delay and procedural
8 difficulty, he is still recovering from surgery and has significantly limited mobility and
9 ability to prepare legal filings, and that his non-appearance at depositions was not willful.
10 *Id.* at 2.

11 The Court is not persuaded that reinstating the dispositive motion deadline is
12 necessary at this time, especially considering Defendants' pending motion which could
13 terminate this action. However, Plaintiff shall be granted an extension of time to file his
14 opposition to Defendants' motion, but the extension shall be no longer than twenty-eight
15 days rather than the 60 days he seeks. Defendants' motion is primarily based on Plaintiff's
16 failure to twice appear at his properly noticed depositions with no communication with
17 Defendants' counsel. Dkt. No. 29. The Court is not persuaded that Plaintiff requires two
18 additional months to prepare an opposition to such a motion. Accordingly, Plaintiff's
19 opposition shall be filed **no later than June 4, 2025**.

20 Defendants shall file a reply brief no later than **fourteen (14) days** after Plaintiff's
21 opposition is filed.

22 This order terminates Docket No. 31.

23 **IT IS SO ORDERED.**

24 **Dated: April 28, 2025**


BETH LABSON FREEMAN
United States District Judge